



Comptroller General
of the United States

Washington, D.C. 20548

Thomas

Decision

Matter of: SRT Revell Marketing & Sports Officials

File: B-266146

Date: September 27, 1995

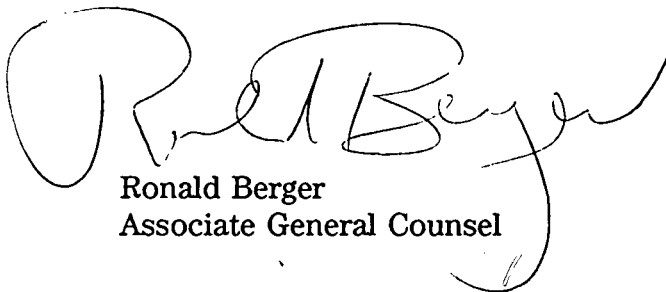
DECISION

SRT Revell Marketing & Sports Officials protests the award of a contract to National Officials, Inc. by the Department of the Army under invitation for bids No. DAKF40-95-B-0059. SRT contends that National should not receive the contract because it did not include all of the proper costs in its bid, and that National has a poor performance record.

We dismiss the protest because a protester's challenge to the awardee's ability to perform the contract is generally not reviewed by our Office.

The protester's assertions involve a challenge to the responsibility of the awardee, that is, its ability and qualifications to perform the contract. A determination that a bidder or offeror is capable of performing a contract is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. Thus, an agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. 4 C.F.R. § 21.3(m)(5); King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177. Where, as here, there is no showing of possible fraud or bad faith, or that definitive responsibility criteria have been misapplied, we have no basis to review the protest.

The protest is dismissed.



Ronald Berger
Associate General Counsel

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